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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,603	11/14/2005	Werner Harter	10191/4246	8472
26646 7590 08/13/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
RIZK, SAMIR WADIE				
ART UNIT		PAPER NUMBER		
2112				
MAIL DATE		DELIVERY MODE		
08/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,603

Applicant(s)

HARTER ET AL.

Examiner

SAM RIZK

Art Unit

2112

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 11-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

- Response to the applicant's amendment dated 4/17/2009
- Claims 1-10 have been Cancelled
- Amended claims 11-20 have been submitted for examination
- Amended claims 11-20 have been rejected

Claim Rejections - 35 USC § 101

1. In view of the applicant's amended claim 18, all objections to the claim rejections under section **35 USC § 101** are withdrawn.

Claim Rejections - 35 USC § 112 2nd

2. In view of the applicant's arguments and amended claims 11 and 20, all objections to the claim rejections under section **35 USC § 112 2nd** are withdrawn.

Claim Rejections - 35 USC § 112

3. Claims 11 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification lacks written description as what is the function being performed on both the data to be transmitted and the inverted data to generate

the first (and second) signature. According to figure 2, reference (91) the first signature (s) is being performed on the data "D" only.

Response to Arguments

4. Applicant's arguments with respect to claims 11 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 11 and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bogin et al. patent no. 6584526 (Hereinafter Bogin).
6. In regard to claim 11, Bogin teaches:
- (Currently Amended) A method for transmitting data, comprising:
 - inverting the data to be transmitted;
- (Figure 3, ref. 16 and col. 2, lines (52-67) through col. 3, lines (1-52) in Bogin)
- forming, according to a specifiable signature formation method, a first signature as a function of both the data to be transmitted and the inverted data;

(Figure 3, ref. 33 and col. 3, lines (52-67) through col. 4, lines (1-40) in Bogin)

- transmitting the first signature together with the data to a receiver;

(Figure 3, ref. 21 in Bogin)

- inverting the transmitted data at the receiver;

(Figure 4, ref. (45) in Bogin)

- forming a second signature in the receiver according to the specifiable signature formation method as a function of both the transmitted data and the inverted transmitted data; and

(Figure 4, ref. (43) in Bogin)

- comparing the first signature with the second signature.

(Figure 4, ref. (43) in Bogin)

7. In regard to claim 15, Bogin teaches:

(Previously Presented) The method as recited in Claim 11, wherein:

the data to be transmitted includes one of:

input data of a precision of one bit and that arrives at processing units in messages via data buses, and

calculation results that are redundantly generated in parallel on multiple computers, in order to check a match of the data only the corresponding signatures are transmitted.

(Figure 3, ref. 21 in Bogin)

8. In regard to claim 16, Bogin teaches:

- (Previously Presented) The method as recited in Claim 11, wherein: the method is used for checking a memory content of a memory area of one of a read-only memory, flash memory, and a read-write memory.

(Figure 3, ref. 21 in Bogin)

10. Claims 17, 18 and 20 is rejected for the same reasons as per claim 11.
11. Claim 19 is rejected for the same reasons as per claim 16.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
12. Claim 12-14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bogin as applied to claim 1 above, and further in view of Swaney et al. US patent no. 6311311 (Hereinafter Swaney).
 13. In regard to claim 12, Bogin teaches:

- (Previously Presented) The method as recited in Claim 11, wherein:
- at least one of the first signature and the second signature is formed in a bit-parallel manner in accordance with a signature register having multiple inputs.

(Figure 1 in Swaney)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Bogin with the teaching of Swaney to include the use of MISR to form data signature(s).

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized the need for improving functional testing and verification of data transfer.

14. In regard to claim 13, Swaney teaches:

- (Previously Presented) The method as recited in Claim 11, wherein:
- at least one of the first signature and the second signature is formed over several messages.

(Figure 1, ref. (1) & (2) in Swaney)

15. In regard to claim 14, Swaney teaches:

- (Previously Presented) The method as recited in Claim 13, wherein:
- at least one of the first signature and the second signature is transmitted by being distributed over several messages.

(Figure 1, ref. (1) & (2) in Swaney)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571) 272-8191. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronics Business Center (EBC) at 866-217-9197 (toll-free)

/Sam Rizk/

Examiner, Art Unit 2112

/Guy J Lamarre/

Primary Examiner, Art Unit 2112